

1 KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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5 **UNITED STATES BANKRUPTCY COURT**
6 **DISTRICT OF NEVADA**

7 IN RE:
JORGE R ALCAZAR

8 Debtor(s)

CASE NO: BKS-18-10523-LEB

CHAPTER 13

Hearing Date: September 13, 2018

Hearing Time: 1:30 pm

10 LAW OFFICE OF MICHAEL J HARKER
Attorney for the Debtor

11 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN**
12 **#2 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

13 Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
14 bankruptcy case and hereby alleges as follows:

15 **Statement of Facts**

16 The Debtor(s) filed for Chapter 13 relief on 02/01/2018. The 341(a) Meeting of Creditors held on May
17 01, 2018 at 11:30 am was concluded .

18 **Argument**

19 The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
20 pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- 21
- 22
- 23 • Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
• The Plan fails to provide for all of the Debtor(s)' Disposable Income pursuant to 11 U.S.C.
§1325(a)(3) and (b) based on: Schedule I has under disclosed income
- 24

- 1 • Plan is not feasible as required by 11 U.S.C. §1322 based on: Republic Service; Bank of
America; MTGLQ Investors as a final loan modification has not recapitalized the arrears;
Trustee cannot make the trial loan modification payments as plan payments were insufficient to
cover attorney's fees and the mortgage
- 2 • The Plan fails to meet liquidation value [11 U.S.C. §1325(a)(4)] based on the following
non-exempt property: \$149,959.35 as listed in section 2.4 of the Plan
- 3 • Other: _Trustee needs a completed Declaration regarding Domestic Support Obligation
_Clarify status of loan modification in light of Mediator's Final Report filed as Docket 46

6 Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties
 7 pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay
 8 that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following
 9 documents:

- 10 • Paystubs for the following period(s): May-August 2018. 11 U.S.C. §704(a)(4) and/or 11
U.S.C. §521(a)(1)(B)(iv).
- 11 • Amendment to Plan: list description of liquidation value .
- 12 • Amendment to Schedule I. Current Income of Individual Debtor(s): income has been
underdisclosed..

Conclusion

13 WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case
 14 be dismissed pursuant to 11 U.S.C. §1307(c).

15 Dated: 9/6/18

/s/ Kathleen A. Leavitt
 Kathleen A. Leavitt
 Chapter 13 Trustee

1 KATHLEEN A. LEAVITT
2 CHAPTER 13 STANDING TRUSTEE
201 Las Vegas Blvd South
3 Suite 200
Las Vegas, NV 89101

4 **UNITED STATES BANKRUPTCY COURT**
5 **DISTRICT OF NEVADA**

6 **IN RE:**
7 **JORGE R ALCAZAR**

CASE NO: BKS-18-10523-LEB
Chapter 13

9 **Debtor (s)**

10 **CERTIFICATE OF SERVICE**

11 1. On September 06, 2018, I served the following document(s):

12 **TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #2 COMBINED WITH**
TRUSTEE'S RECOMMENDATION FOR DISMISSAL

13 2. I served the above-named documents(s) by the following means to the persons
14 as listed below:

15 **United States mail, postage fully prepaid**

16
17 JORGE R ALCAZAR
7018 SALT MARSH CT
LAS VEGAS, NV 89148

LAW OFFICE OF MICHAEL J HARKER
2901 EL CAMINO AVE
SUITE 200
LAS VEGAS, NV 89102

19 **I declare under penalty of perjury that the foregoing is true and correct.**

20 Signed on: 9/6/18

/s/ Esther Carr
Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee